



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

WMP

Docket No: 5106-02
7 November 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 November 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 23 March 1998 for two years after over seven years of prior active Naval service. Your record reflects that you served without incident until 14 May 1999, when you received nonjudicial punishment (NJP) for disobeying a lawful order. The punishment imposed was forfeitures of \$637 per month for two months, 30 days of restriction and extra duty, and reduction to paygrade E-3. The reduction was suspended for a period of six months.

Your record further indicates that you served without further incident until 4 April 2000, at which time you were honorably discharged at the expiration of your term of enlistment by reason of "non-retention on active duty". At that time, you were issued an RE-6 reenlistment code due to your total active

service exceeding the high year tenure (HYT) limitations established for your pay grade.

Regulations provided that the HYT limit for individuals serving in pay grade E-4 was 10 years of active naval service. Reenlistment beyond the HYT limit of 10 years was not authorized and assignment of an RE-6 reenlistment code was required. Since you were treated no differently than others discharged under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. The Board concluded that the reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director